

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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DAVID T. & LELAND J.  
BARCHANOWICZ,

Plaintiffs,

vs.

FREIGHTLINER TRUCKS OF  
DOTHAN, INC., et al.,

Defendants.

DEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

CIVIL ACTION NO.: 1:05-CV-1232-T

**NOTICE OF CONSENT TO NOTICE OF REMOVAL FILED BY CO-DEFENDANT  
DAIMLERCHRYSLER SERVICES NORTH AMERICA, LLC**

COMES NOW Co-Defendant Commercial Recovery Systems, Inc. (“CRS”) and hereby gives notice of its consent to the Notice of Removal filed by Co-Defendant DaimlerChrysler Services North America, LLC (“DaimlerChrysler”) on December 28, 2005. In support of this Notice, CRS does state as follows:

1. Plaintiffs David T. Barchanowicz and Leland J. Barchanowicz (“Plaintiffs”) filed an action in Houston County Circuit Court styled *David and Leland Barchanowicz v. Freightliner Trucks of Dothan, Inc., et al.*; Civil Action No. CV-2005-680W; Circuit Court of Houston County, Alabama (the “Action”).
2. DaimlerChrysler filed a Notice of Removal of the Action on December 28, 2005. In Paragraph 7 of the Notice of Removal, DaimlerChrysler states the following:

7. The Defendant, CRS, consents to the removal of this case to federal court by the filing of this Notice of Removal by DCS. The Plaintiffs have fraudulently joined the Defendant, Freightliner, since it was dissolved in the year 2000, and this Court can ignore the citizenship of that Defendant in determining this Notice of Removal.

3. CRS notifies the Court and all parties that it does hereby consent to the Notice of Removal of this action to the United States District Court for the Middle District of Alabama, Southern Division.



David E. Rains (ASB-2728-S81D)  
Attorney for Defendant Commercial Recovery  
Systems, Inc.

**OF COUNSEL:**

TANNER & GUIN, LLC  
Counselors at Law  
Capitol Park Center  
2711 University Boulevard (35401-1465)  
P. O. Box 3206  
Tuscaloosa, Alabama 35403-3206  
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**CERTIFICATE OF SERVICE**

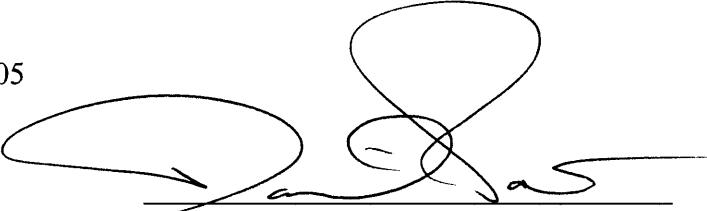
I hereby certify that the foregoing pleading has been served upon counsel for the parties by placing a true and exact copy of same in the U.S. Mail, postage prepaid and properly addressed, this the 28th day of December 2005, as follows:

Gregory B. McCain  
Law Offices of Gregory B. McCain, P.C.  
204 N. Lena Street  
P.O. Box 1331  
Dothan, Alabama 36302

W. Todd Harvey  
Whatley Drake, L.L.C.  
2323 2<sup>nd</sup> Avenue North  
Birmingham, Alabama 35203

C. Lee Reeves  
Sirote & Permutt, P.C.  
2311 Highland Avenue South  
Birmingham, Alabama 35205

Freightliner Trucks of Dothan, Inc.  
c/o Thomas Bledsoe  
105 Bayberry Lane  
Dothan, Alabama 36305

  
OF COUNSEL